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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,630	05/26/1999	KIKUO NAITO	35.C13542	1709
5514	7590	07/02/2004		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER HAVAN, THU THAO	
			ART UNIT 2672	PAPER NUMBER 28
DATE MAILED: 07/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,630

Applicant(s)

NAITO ET AL.

Examiner

Thu-Thao Havan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-10, 16-26, 57, 59, 60-64, 66-68, and 80-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 16-26, 57 and 59 is/are allowed.
- 6) ☒ Claim(s) 60-64, 66-68 and 80-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2004 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **60-64, 66-68, and 80-88** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. (US patent no. 5,982,891).

Re claims **60 and 66-67**, Ginter had:

A.) a data processing which is capable of executing a process for data comprising data analysis means for extracting data control information used for inhibiting execution of the process for the data (col. 3, line 20 to col. 4, line 67; col. 5, lines 1-48; col. 6, lines 17-31; fig. 1). Ginter teaches the extracting of the data control information when he discloses the VDE system is configurable, modifiable, and re-usable. Since the VDE system is

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modifiable then it is extracting information to be modified in a secure method. Once the secure information is extracted then it is distributed to the users or any potential users. As for the restricting various processes, Ginter discloses the VDE securely administers transactions to specific users. Furthermore, only specific users are allowed to access particular part of the restricted information. In figure 1a, element 200f is a permissioning agent function as an inhibiting execution agent.

B.) instruction reception means for receiving an instruction to execute the process for the data (col. 13, line 50 to col. 48; col. 86, line 23 to col. 87, line 49). In other words, Ginter teaches VDE control instructions to encapsulate and electronically distribute content that has been at least partially secured. Each event record may be a set of instructions to be executed by the end user's electronic appliance to make an addition or modification to the end user's secure database.

However, Ginter fails to explicitly teach display control and changing a displaying style as claimed. Nevertheless, Ginter teaches the VDE system as restricting various process of information to be accessed by the users. Once a user selected a particular applications or graphics and fulfilled the required information then those information are displayed to other users in the restricted process. Furthermore, a display style corresponding to the restricted process function is disclosed by Ginter when he teaches the VDE allows modification of an application according to the content of a usage in certain applications (col. 9, line 59 to col. 10, line 31). For example, VDE can be used to protect the rights of parties who create electronic content such as games and movies (col. 4, lines 17-64). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to provide a display step of displaying a process function to be restricted in accordance with the control information extracted by the extracting step because doing so would have enabled to display various process of the restricted information as noted in Ginter (col. 4, lines 47-67; col. 5, lines 1-48; col. 9, lines 3-32).

Re claims **61-63**, Ginter discloses data control information designates whether or not the execution of the process is to be permitted and display control means displays a notification that the data control information designates that the execution of the process is not permitted (col. 58, line 65 to col. 59, line 56; figs. 5b, 17-18, 72a-72d, and 86). Ginter teaches permission agent as an icon for identifying who can distribute the information and what other control mechanism must be active.

Re claim **64**, Ginter discloses process control means for inhibiting execution of the process for the data in accordance with the data control information and the data control information designates step-by-step inhibition of process execution for the data (col. 6, lines 45-67; col. 7, lines 21-30). Ginter teaches the step of restricting various processes to be performed for the data at a plurality of levels when he discloses the electronic information can easily combine selected building blocks to create a rights application that is unique to a specific content distribution model. Ginter's invention also provides electronic control information for a wide variety of different levels of information.

Re claim **68**, Ginter discloses a computer readable storage medium storing a program (col. 53, line 39 to col. 60; fig. 8). In figure 8, Ginter discloses a computer system consisting of storage medium such as backup storage, ROM, and RAM.

Re claims **80-84**, and **87-88**, the prior art Ginter had:

A.) A data supplying apparatus comprising; (1) storage means for storing and managing data and data control information and (2) registration means for registering the data and the data control information in the storage means (col. 3, lines 49-67; col. 4, lines 1-46).

Ginter teaches the storage means for managing and controlling information when he discloses the information storage. The information storage stores all the secure transactions of the users. As for registering the data in the storage, Ginter teaches the authorizing of the information only in a secure method. Therefore, users have to register the information then the data is registered in the secured and protected system.

B.) The step of data control information providing means responsive to a data distribution request for extracting the data control information corresponding to the data and adding the data control information to the data, wherein in response to the data distribution request, the data and the corresponding data control information are distributed (col. 3, lines 20-48; col. 4, lines 47-67; col. 5, lines 1-48). Ginter teaches the extracting of the data control information when he discloses the VDE system is configurable, modifiable, and reusable. Since the VDE system is modifiable then it is extracting information to be modified in a secure method. Once the secure information is extracted then it is distributed to the users or any potential users.

C.) The data processing method comprising an extracting step of extracting data control information from data provided with the data control information to be used for restricting various processes (col. 4, lines 47-67; col. 5, lines 1-48; col. 6, lines 17-31). The reasoning of the extracting step is stated above, in part B. As for the restricting various processes, Ginter discloses the VDE securely administers transactions to specific

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users. Furthermore, only specific users are allowed to access particular part of the restricted information.

However, Ginter fails to explicitly teach a display step of displaying a process function to be restricted in accordance with the control information extracted by the extracting step. Nevertheless, Ginter teaches the VDE system as restricting various process of information to be accessed by the users. Once a user selected a particular applications or graphics and fulfilled the required information then those information are displayed to other users in the restricted process. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a display step of displaying a process function to be restricted in accordance with the control information extracted by the extracting step because Ginter teaches the displaying of the various process of the restricted information (col. 4, lines 47-67; col. 5, lines 1-48; col. 9, lines 3-32).

Re claim **85**, Ginter discloses the data control information includes copyright information and a process inhibition code based on the copyright information (col. 2, lines 36-67).

Re claim **86**, Ginter discloses the data is image data (col. 1, lines 55-66).
Ginter's invention incorporated a graphic; therefore a graphic is an image data.

Allowable Subject Matter

Claims 1-10, 16-26, 57, and 59 are allowed.

The following is an examiner's statement of reasons for allowance: Examiner searching for control means for controlling data processing means and display means in accordance with the data control information extracted by data analysis means wherein control means inhibits to execute an inhibited process in accordance with the data control information extracted from the data and controls the display means to change a display style of the process function of each of the various processes to an inhibition display style and a data processing apparatus for restricting to executed an inhibited process in accordance with the data control information extracted from the data and controlling display means to determine a display style of a process function of each of various processes, in combination with the other elements of the claims, was not disclosed by, would not have been obvious over, nor would have been fairly suggested by the prior art of record. The dependent claims being further limiting to the independent claim, definite, and enabled by the Specification are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday to Thursday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

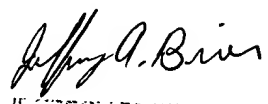
or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Thu-Thao Havan
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June 27, 2004


JEFFERY BRIER
PRIMARY EXAMINER